Oregon Education Investment Board
Rules Public Hearing Notes

August 21, 2012,
1:00pm – 3:00pm
Oregon State Library

Staff Present:

Margie Lowe, OEIB Data Manager
Seth Allen, OEIB Board Administrator / Rules Coordinator

- Meeting started at 1:00pm.
- Reason for meeting explained.
- August 31, 2012, 5pm end of public comment period.
- Change in text (705 – 010 – 0070) is announced.

PUBLIC COMMENT:

Andrea Henderson, Oregon Community College Association:

Regarding 705 – 010 – 0020 (2) , The concern is that the language is somewhat limiting for community colleges because in many instances the local priority they list is not based on a new practice or research based method, but rather the needs of their local community, perhaps a particular program offering. They want to make sure that they are showcasing and improving it to meet that community's needs. The research rational might be slightly limiting to their ability to respond to local needs. The outcomes based criteria is OK. The local options need to be broad enough to encompass a local priority need that may not be research or best practice based.

The meeting was concluded at 2:00pm

BEAVERTON SCHOOL DISTRICT
THRIVE • CONTRIBUTE • EXCEL

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Direct Line: 503.591.4527

30 August 2012

To the Oregon Education Investment Board:

Below are comments related to the proposed rules related to achievement compacts. Thank you for your consideration.

705-010-0030 Distribution of Compacts to Education Entities
(1) For the 2012-13 fiscal year, the Board shall distribute achievement compacts to all education entities by the following dates:
(a) For school districts, by 5:00 PM, April 5, 2012;

While the proposed date of April 5th is acceptable for distribution of the achievement compact template, in order for the Achievement Compact Advisory Committees mandated under proposed rule 705-010-0070 to complete their work by February 1, state-generated data on the achievement compact measures (e.g., 3rd grade reading achievement, 9th grade attendance) must be distributed to districts within two weeks of the data becoming final.

705-010-0035 Completion and Execution of Achievement Compacts
(1) Prior to the beginning of each fiscal year, the governing body of each education entity must complete and execute its achievement compact with the Board.
(2) Completion means that the governing body shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year, as directed by the Board. The Board may waive the requirement to identify both a target number and percentage of students and require either a number or percentage for specific outcome measures, depending on the specifications of the compacts it approves.

As reiterated in the attached White Paper, Districts should "not be required to set numeric targets for the indicators. Numeric targets can be established by applying the percentage target proposed in the Achievement Compact to the size of the group once that size has been identified. To establish numeric targets requires districts to predict group sizes from year to year. These numeric targets are meaningless as soon as the actual group size diverges from the predicted group size." We recommend that the districts be required to only identify a target percentage.

705-010-0040 Data for Student Groups
(1) In addition to the target numbers and percentages of all students that are identified in achievement compacts for the outcome measures specified in OAR 705-010-0015 and OAR 705-010-0020, education entities must include in their achievement compacts for each outcome measure a target number and percentage for the combined total of all students in disadvantaged groups specified in subsections (2) and (4) of this rule.

(2) The governing body of school districts and education service districts must set targets for all outcome measures in their achievement compacts for students in each of the following groups:
(a) Economically disadvantaged students;
(b) Limited English proficient students;

The Beaverton School District recognizes the diversity and worth of all individuals and groups. It is the policy of the Beaverton School District that there will be no discrimination or harassment of individuals or groups based on race, color, religion, gender, sexual orientation, gender identity, gender expression, national origin, marital status, age, veterans' status, genetic information or disability in any educational programs, activities or employment.

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FAX 503.591.4415

(c) Students with disabilities;
(d) Black students (not of Hispanic origin);
(e) Hispanic/Latino students;
(f) American Indian or Alaska Native students; and
(g) Pacific Islander students.

(3) In addition to the groups of students identified in subsections (2) of this rule, school districts and education service districts shall also set targets for all outcome measures for students in each of the following groups:
(a) Talented and gifted students; and,
(b) Asian students.

Requiring districts to set 100 targets for improvement as is the case in the current achievement compacts is the same as having no improvement targets at all. As the number of targets increases, the focused effort required to make improvement decreases. Our district had 223 annual targets for improvement during the period from 2004-05 and 2008-09. We learned from this experience and identified 18 improvement targets to monitor progress in implementing the District's 2010-15 Strategic Plan. We report disaggregated data on student outcomes by the subgroups in the achievement compact and analyze the results for groups to inform our improvement plan. To set targets for improvement for each disaggregated group for each measure would divert time and energy from the work to actually improve student achievement. We recommend closer adherence to the authorizing legislation which requires districts to set improvement targets for all students and for students in the "disadvantaged" group while keeping the requirement to report numbers and percentages for all student groups in the compact.

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Recommendations for Setting Achievement Compact Targets

This is a pivotal moment for education in Oregon. For the first time in over a decade, state and federal leaders are overhauling the way Oregon schools are held accountable and supported. As Oregon seeks a waiver from the No Child Left Behind legislation, we are presented with the opportunity to set aside the misleading and counterproductive aspects of the federal law and replace them with better, more accurate tools to measure school and district success.

We want to build a system that will motivate educators and community members around a new way to support student achievement. This system should increase capacity across the schools and districts to share best practices, learn from each other, and ultimately ensure that our students are successful. Oregon's new accountability system needs to focus on this collaboration and continuous improvement in order to propel student achievement forward.

The achievement compacts are an opportunity for the state and districts to define ambitious, yet achievable goals for performance on such outcomes as third grade reading proficiency, high school graduation rates, and the closing of the achievement gap. The compacts will allow us to identify the schools that are "beating the odds" and those that are in need of additional supports. Without the punitive measures required under NCLB, there is the opportunity to raise achievement by providing individualized interventions for schools and districts tailored to meet their students' needs.

Through the achievement compacts and a complementary new state report card, we need to take a deeper look at how schools are doing in terms of proficiency, student growth, graduation, and college readiness when we are assessing whether we are meeting student needs. It is essential that we quickly define what measures are better suited going forward in the report card to ensure that the achievement compacts remain focused on identifying and aligning the resources necessary for improvement on a few key indicators.

We are pleased with the positive gains that many of our districts have continued to make even in these tough economic times, and are excited by the prospect of a strong vision for education in Oregon. Through the achievement compacts, districts will be able to focus on common goals, and leverage resources to have the greatest impact on student success as we move forward toward the destination of 100% of students graduating from high school or completing the equivalent of a diploma in 2025 (40/40/20).

Over successive years, our districts have faced a significant gap between our ability to maintain current service levels and our revenue. As a state, we have a moral obligation to expect better outcomes for our students and to prepare them to be college and career ready, but the reality of that expectation is called into question when K-12 education continues to receive a smaller portion of the state budget.

Our districts' targets must be focused on meeting the needs of our students to ensure they make continuous progress over time. However, we also must consider the dramatic impact that declining budgets are having on our ability to achieve these targets. There must be a greater investment in education in order to prepare our students well and enable them to be capable and competitive in an

ever more challenging economic future. Without adequate funding, districts will not be able to make the improvements necessary to continually raise achievement to reach that 40/40/20 goal.

We recommend that 2011-12 data be viewed as the baseline for going forward. Many of our districts had already developed their budgets for 2012-13 by the time the achievement compact metrics were finalized. We anticipate that in coming years, we will be able to better align resources to the indicators and create greater opportunities for our communities to participate in the consideration of targets and the alignment of budgets to achieve those targets.

Below is a recommended methodology that we have developed for setting the achievement compact targets for this first year. We have also included a number of questions and concerns that arose as we began to fill in the compact targets with district data.

Recommended Methodology for Setting Achievement Compact Targets:

1. **Timing:** We are currently setting targets for the 2012-13 school year with only the 2010-11 data. As we will not receive final data for this current year from the Oregon Department of Education until August, this will continue to be a concern every year if districts are expected to complete their achievement compacts as part of the budget process in the spring. Additionally, we will not receive 9th grade credit data (as it includes summer school) or graduation rate data until the fall or even later in the following year. Unless a different timeline is implemented for either the Achievement Compact targets or receiving data from the ODE, targets and data will always be based on at least one year-old data. We will be setting targets for two years ahead of our last data points and accountability for those targets will be delayed for two years. This timeline makes the Achievement Compact less useful for making program or budget adjustments. **Recommendation:** Districts will set their targets based on the data currently available and will review and potentially revise targets using the recommended methodology on the updated data when they are available.

2. **College and Career Readiness Outcomes:**
    a. **5-Year Completion Rate:** We are pleased that the 5-year completion rate indicator is included on the Achievement Compacts. There are a number of students within our districts who receive GEDs and Extended and Modified Diplomas as appropriate completions for high school. We also appreciate that a 5-year cohort is included on the Achievement Compacts. Data across the districts demonstrate that a 5-Year graduation rate more fully captures the achievements of all of our students. **Methodology:** Looking at the 40/40/20 goal, districts will determine the annual growth rate necessary to reach 100% on the 5-year completion rate for 9th graders entering high school in 2016-17 through a back mapping process. We also recommend applying this same process (determining necessary growth rate to reach 100% by 2021 for 5-year completion) to the "disadvantaged group" and the subgroups. An Achievement Compact Target Calculator is available for this purpose.

b. **Cohort Graduation rates, 9+ College credits, Post-secondary enrollment:** Given the interrelated nature of these outcomes to the 5-year completion rate outcome and the State's 40-40-20 goals, we recommend applying the same annual growth rates calculated for the 5-year completion outcome to the other college and career readiness outcomes and for the "disadvantaged" and subgroups.

3. **On Track Outcomes (3rd Grade Reading and Math Proficiency, 6th Grade on Track, 9th grade on Track):** For each of these indicators, as well as those for the subgroups, we recommend setting targets for a 10% decrease in students who are not proficient. We will utilize the following methodology to set targets:
   a. identify the percentage of students (in 2010-11) who are not meeting the outcome (if 70% of students are meeting the outcome, then 30% are not meeting)
   b. Take 10% of students not meeting the outcome (10% of 30% is 3%)
   c. Apply that 10% to identify the target (70% + 3% is 73% as the target).

This growth model sets targets that:

- Require greater gains the lower a district's starting percentage
- Close of the achievement gaps with the subgroup targets
- Are realistic for higher achieving districts

An Achievement Compact Target Calculator is available to assist districts with the calculations.

4. **Priority & Focus Schools:** Because the state has yet to provide us with a list of current priority and focus schools, we are unable to recommend a 2012-13 goal. The number of priority and focus schools statewide in 2011-12 will be approximately the same as the number of schools that are identified for Title I school improvement in 2011-12. Our understanding is that this information will be made available to school districts in August.

5. **Considerations:**
   a. **6th Grade On-Track:** Attendance may be appropriate for an indication of health and stability and should be tracked. However, without substantial resources devoted to school health and attendance services, it will be challenging to move this measure forward. In addition, this indicator does not track academic progress. Depending on the baseline data, districts may wish to consider setting more conservative targets for this indicator. **Recommendation:** We recommend the inclusion of an academic measure for middle school rather than attendance for a 6th Grade On-Track indicator.

   b. **9th Grade On-Track:** We are excited to see that the definition for the 9th grade on track indicator included an entire calendar year in which to earn credits as many of our students are able to enter 10th grade with 6 credits because of summer school

opportunities, however this does present timing challenges as these data will not be complete until September. Additionally, as mentioned above, attendance can be variable from year to year and difficult to improve. We believe that even in cases where we have increases in students entering 10th grade with 6 or more credits, we will see less growth in this data point because of the inclusion of attendance. **Recommendation:** We recommend that these two data points, attendance and credits, be separated.

c. **Earning 9+ College Credits:** We have received guidance from ODE that districts will be responsible for collecting these data on their own. A number of districts do not have processes in place to collect these data and so for this year there will be disparate levels of reporting on this indicator. Statewide comparisons of districts would be inappropriate in this first year. Given that the data comes from multiple sources that are not centrally stored in most districts, the requirement for reporting baseline data and targets for this outcome poses a significant time commitment for districts. **Recommendation:** We recommend that:
    1) districts make clear as a part of their achievement compact how they have defined and calculated this data point during this compressed timeline
    2) collective work must be done to put systems in place to collect and report the highest quality data possible in subsequent years.

Additionally, colleges and universities have different requirements for college credit attainment (e.g. some schools accept a 3 on the AP exam for college credit while others require a 4 or 5 and different schools may give 2 or 3 credits for the same score). Please see the attached tables for AP and IB test scores and college credits. We are proposing that this indicator be based on the Oregon University System. **Recommendation:** We would recommend that the OUS and Oregon Community Colleges and all postsecondary institutions in Oregon maintain consistent policy and practice in accepting and awarding college credit that was obtained by high school students during their high school years.

d. **Disadvantaged Subgroup:** We are pleased to see that achievement compacts will disaggregate data for students. However, as a team, we are uncomfortable with the term "disadvantaged" to describe students of color, ESL and students with disabilities. Titles such as this continue to reinforce a deficit model.
Recommendations:
    1) We recommend using the term, "historically underserved". [1]

[1] New England Comprehensive Center provides the following definition: underserved students are students who do not receive equitable resources in the same manner that other students do and as a consequence are less likely to achieve to high levels of academic performance. Another way of thinking of underserved students is to consider the quality and degree of access they have to programs, services,

2) In keeping with the original intent of the achievement compacts to identify a few key indicators, we recommend that districts should identify a single aggregate subgroup or an individual subgroup measure, whichever has the most significant gap based on a sufficient number in the sample.
3) There are other racial groups that must be included in the subgroup data. It is imperative that white student data are also included for reporting purposes (not as an indicator for setting targets). In order to truly be able to identify the opportunity and achievement gaps within our districts, we must have the data for the white students as a point of comparison.
4) Multi-racial students should also be included for reporting purposes.

e. **Student Numbers Per Cell Recommendation:** The permanent rule on Achievement Compacts should align the cell size that triggers the requirement for goal setting by districts with the cell size for ratings in other accountability reports (generally 30-40 student). Requiring a district to set achievement goals for student groups comprised of 6, 8, or 10 students undermines the face validity of the compacts and in some instances will violate ODE's rules about protecting student confidentiality.

f. **Numerical Targets**: Under the temporary rule, 705-010-0035 Completion and Execution of Achievement Compacts, the OEIB "may waive the requirement to identify both a target number and percentage of students and require either a number or percentage for specific outcome measures, depending on the specifications of the compacts it approves." **Recommendation:** We recommend that districts not be required to set numeric targets for the indicators. Numeric targets can be established by applying the percentage target proposed in the Achievement Compact to the size of the group once that size has been identified. To establish numeric targets requires districts to predict group sizes from year to year. These numeric targets are meaningless as soon as the actual group size diverges from the predicted group size.

g. **Ready for School Recommendation:** An academic measure should be identified for this indicator.

h. **4-Year Goals and Local Priorities Recommendation:** At this point, we recommend delaying the establishment of 4-year goals and local priorities to provide districts time to reflect on the goal setting process and obtain an additional year of data on the measures, particularly for measures that are new to districts (e.g., graduates with 9+ college credits). With continued budget reductions this year, we believe it

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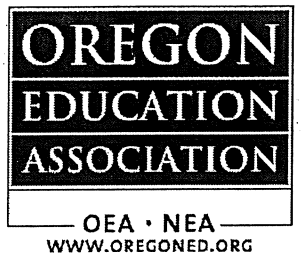
and resources that offer them the support to succeed in school. In other words, do they show an "achievement gap" as a result of "opportunity gaps" in their educational experience?

will be important to see how districts prioritize resources and develop strategies to meet the current indicator targets prior to expanding the scope. A number of districts already have established measures reflecting local priorities that are in support of the Achievement Compact and will continue to be reported to local boards and communities.



August 31, 2012

Rules Coordinator
Oregon Education Investment Board
155 Cottage Street, NE, Third Floor
Salem, OR 97310

RE: Division 10 Proposed new rule, #705-010-0070

Thank you for the opportunity to comment on a provision of the above-referenced proposed rule, promulgated by the Oregon Education Investment Board, with respect to the implementation of SB 1581 (2012 Legislative Session).

The Oregon Education Association respectfully objects to the introduction of a new provision for the composition of local district Achievement Compact Committee membership found in 705-010-0070 (3), lines 3 and 4, which states "**It is recommended that these committees also include parents.**"

A review of the legislation creating the Achievement Compact Committees, as well as an explanation of the specific language regarding these committees provided by Mr. Tim Nesbitt in his testimony before the Senate Education and Workforce Committee on February 8, 2012 reflects legislative intent on the composition and function of these committees. The list of participants – "teachers, administrators and other appropriate education personnel who are employed by the district" – is clear and exclusive in Section 16 (3) of SB 1581. This language was deliberately affirmed by the 2012 Legislature, which passed the bill in both chambers on March 5, 2012. Were it the intention of the legislature or others to recommend membership beyond the specified list outlined in the bill, the language would have included a provision allowing districts to add other parties at their discretion. SB 1581 does not include such language. In fact, SB 1581 ***does*** contemplate parental input in Section 14 (5):

> *"As part of the process of entering into an achievement compact, the governing body of an education entity shall ensure that open communications are provided to parents, students, teachers or faculty, employees, exclusive bargaining representatives and community representatives for the purposes of explaining and discussing the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year....during each education entity's public budget process."*

We agree with the bill's framers and the Legislature that this critical input is well-placed in the process as specified in statute. We do not agree that parents or other non-education professionals ought to be appointed to the Achievement Compact Advisory Committees, however. We see the addition of the sentence in the proposed rule as contrary to the intent of the language and also outside the scope of the OEIB's general regulatory authority because it in effect makes new law. For that reason, we ask that the proposed rule be amended to delete the objectionable sentence recommending the addition of parents to these committees.

ALLEN Seth * OEIB

From: Rep Dembrow <rep.michaeldembrow@state.or.us>
Sent: Friday, August 31, 2012 4:57 PM
To: INVESTMENT Education
Subject: Rules #705-010-0070 and 705-010-0045

Hello. It has just been brought to my attention that the proposed new rule implementing SB1581(2012) recommends that parents be included in the new Achievement Compact Advisory Committees. This strikes me as being inconsistent with the agreement that led to the amending of SB1581 as introduced, amendments that ensured the passage of SB1581 in its enrolled form.

I was involved in this legislation as a member of the House Education and the WM Education Subcommittee, and as Co-Chair of the House Higher Education Committee. I've reviewed my files, which confirm that the Governor's proposed amendments as of January 31, 2012, provide a clear place for parent involvement in terms of communications (in Section 14.5, now embodied in Rule #705-010-0045), but the Advisory Committees as defined in Section 16 are clearly and specifically meant to be a working group of district employees (administrative and faculty). I'd be happy to provide you with any of these documents.

Please don't take this to mean that I'm opposed to a higher level of participation by parents in the process--the opposite is true, and I would be very interested in pursuing that in the future. I just don't believe that the administrative rulemaking process is the appropriate route to take when it differs from legislative intent. As I recall, these amendments were the result of a delicate process of compromise, a legislative process that needs to be respected. The way to alter the Advisory Committees or otherwise provide a heightened role for parents is through further legislation.

On another note, with respect to Rule 705-010-0045, I believe that the proposed rule retains ambiguity that in hindsight was unintentionally included in the legislation and unfortunately never resolved in the process. That is, this rule (resulting from Section 14((5)) of the bill) strikes me as being intended for K-12 school districts but I believe applies to community colleges and universities as well. If that's true, it's not clear to me how colleges and universities are expected to identify and communicate with parents and other community representatives, and the rule doesn't help with that. This may be another area for further legislation.

Thank you for your consideration.

Michael

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Together, We CAN Make a Difference!